

Exhibit 2

Application Number
09/613,615
Under Appeal
Tech Center 2100

DOCKETED
2-14-03



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,615	07/11/2000	Cheryl L. Neofytides	10722-32691	1081

26702 7590 02/10/2003

MORRIS, MANNING & MARTIN LLP
6000 FAIRVIEW ROAD
SUITE 1125
CHARLOTTE, NC 28210

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application <u>09/613615</u>	Applicant(s) <u>W. J. F. T. D.</u>	
Examiner <u>Athen G</u>	Art Unit <u>3624</u>	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1/13/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 30-37, 37-51 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 30-37, 37-51 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 17
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other



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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment C(Paper #16) filed 1/13/03.
2. Claims 69-78 were cancelled. Independent claim 30 was amended. No claims were added.
3. Claims 30-37, 39-51 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Amended claims 30-37 and 39,46-51 are rejected under 35 USC 103(a) as unpatentable over Lamm(US Pat. No: 6,078,907) in view of Jalili(US Pat. No: 6,088,683) in view of Kausik(US Pat. No: 6,263,446) and further in view of Payne(US Pat. No: 5,909,492).

Lamm discloses a computer-implemented method for providing a computer network money request service, which includes maintaining an e-mail address database(EPO server 16)(Fig 1)(col 5 line 10 et. seq)(col 6 line 53 et seq)(col 7 line 14 et seq)(col 9 line 62 et seq)(col 11 line 17 et seq)(col 15 line 30 et seq)(col 15 line 63 et seq)(col 16 lines 19-48). Lamm also teaches receiving an e-mail address of an individual payor from a payee(col 8 line 56 et seq)(col 9 line 58 et seq)(col 11 line 17 et seq) as well as sending an e-mail to the payor(Fig 5)(col 11 line 58 et

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seq)(col 12 line 8 et seq)(col 14 line 40 et seq) as well as receiving authorization and completing payment(col 15 line 10 et seq)(col 15 line 30 et seq).Lamm further teaches wherein the payment amount is withdrawn from an identified source(Fig 5/126/122/124).

Additionally, Lamm discloses first and second intermediary banks and transfer methods(col 16 line 33 et seq) and default money receipt selection method(col 4 line 23 et seq) as well as notifying the payee of payment(col 16 line 19 et seq) and initiating money transfer and crediting a stored value account(col 16 line 48 et seq) as well as receiving future payment dates to transfer money(col 9 line 40 et seq)(col 15 line 10 et seq)(col 15 line 45 et seq) and online history transaction statements(col 16 line 5 et seq). Lamm further teaches an e-mail link to a web page to authorize payment(col 15 line 30 et seq)(col 8 line 64 et seq)(col 11 line 30) as well as including individual message/subject line in e-mail(col 11 line 30 et seq)(col 12 line 55 et seq)(col 13 line 15 et seq). Lamm teaches a funds source identifier supporting payment(col 4 line 25) and include a hyperlink to a web site maintained by the server(Fig 4/28).Lamm does not disclose a method for transferring funds through a network between a first party registered with the computer server of the network and a second party not previously registered with the computer server.Jalili teaches this(Abstract)(col 1 lines 22-45)(col 1 lines 59-col 2 line 48).Jalili further discloses the use of an alternative registration name and an e-mail address(col 2 line8-14).Lamm does not disclose registration of individuals whose e-mail addresses do not exist in the database. Payne discloses a computer implemented method for providing a computer network money request service including identification of individuals by network addresses(Fig 2A-2I)(col 5 line 26 et

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seq) and sending a registration message to unregistered individuals to register and authorize payment(col 5 line 57)(col 6 line 9) and web page link(col 6 line 15 et seq) to register and complete payment. Providing for new account registration facilitates money request service and payment transactions by registering new individuals during payment processing(col 6 line 15 et seq). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for new account registration as taught by Payne on the method of Lamm to permit payors and payees to open new accounts. Kausik discloses a roaming user not registered with a computer obtaining authorization to perform a transaction on an on-demand basis(Absttract)(col 2 lines 10-54)(Fig 1)(col 3 line 21-col 4 line 63). It would have been obvious to one skilled in the art at the time of the invention to combine Lamm in view of Jalili to teach part of the above. The motivation to combine is to teach a system for a user to interact with a third party to be utilized for a transaction without a second party having the customer's credit card number as enunciated by Jalili(col 1 lines 35-40). Also it would have been obvious to one skilled in the art at the time of the invention to combine Lamm in view of Jalili and further in view of Kausik to teach the above. The motivation to combine is to teach an on-line on demand delivery system of authentication credentials to roaming users as enuciated by Kausik(col 2 lines 10-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamm in view of Jalili in view of Kausik and further in view of Payne to provide for new account registration as taught by Payne on the method of Lamm to permit payors and payees to open new accounts.

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6. Claims 40-42 are rejected under 35 USC 103(a) as being unpatentable over Lamm(US Pat. No: 6,078,907) in view of Wolff(US Pat. No: 6,247,047) in view of Jalili(US Pat. No: 6,088,683) in view of Kausik(US Pat. No: 6,263,446) and further in view of Payne(US Pat. No: 5,909,492)..

Lamm discloses a computer-implemented method for providing a computer network money request service, including first and secondary intermediary banks and payment transfer methods(col 16 line 33 et seq) as discussed. To the extent that Lamm does not disclose payment authorization by a second individual (via ATM or private payment network)(col 16 line 44 et seq), Wolff discloses a computer implemented method for providing a computer network including an e-mail database(col 6 line 53 et seq)(col 7 line 7 et seq)(col 11 line 40 et seq) and receiving an e-mail address from a first individual and searching the e-mail database(col 11 line 25) and notifying the second individual by e-mail to receive authorization to receive payment(Figs 1-4)(col 11 line 4- et seq)(col 12 line 10 et seq). E-mail notification provides an improved means to facilitate computer network transactions by permitting individuals to control receipt of payment(col 4 line 34)(col 11 line 40)(col 12 line 10) among various payment methods(lamm/col 16 line 33). It would have been obvious to one skilled in the art at the time of the invention to provide a means for a second individual to authorize payments and thereby control transfer of money to various accounts as taught by Wolff on the method of Lamm to facilitate commerce on computer networks among individuals and payment methods. Also it would have been obvious to one skilled in the art at the time of the invention to combine Lamm

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in view of Jalili and further in view of Kausik to teach the above. The motivation to combine is to teach an on-line on demand delivery system of authentication credentials to roaming users as enuciated by Kausik(col 2 lines 10-12).Also it would have been obvious to one skilled in the art at the time of the invention to combine Lamm in view of Jalili in view of Wolff in view of Kausik and further in view of Payne to teach the above. The motivation to combine is to teach an on-line on demand delivery system of authentication credentials to roaming users as enuciated by Kausik(col 2 lines 10-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamm in view of Wolff in view of Jalili in view of Kausik and further in view of Payne to provide for new account registration as taught by Payne on the method of Lamm to permit payors and payees to open new accounts.

7. Claims 43-45 are rejected under 35 USC 103(a) as being unpatentable over Lamm(US Pat. No: 6,078,907) in view of Dorf(US Pat. No: 6,189,787) in view of Jalili(US Pat. No: 6,088,683) in view of Kausik(US Pat. No: 6,263,446) and further in view of Payne(US Pat. No: 5,909,492).

Lamm discloses a computer-implemented method for providing a network money request service including payment through an intermediary bank. Lamm does not disclose a point of sale transaction with a debit card. Dorf discloses a method for providing a computer network money request service including a debit card(Fig 1) and point of sale terminal for debiting a stored value account to pay a merchant through an intermediary bank(Fig 1)(Fig 2)(col 1 line 15)(col 3 line 15)(col 11 line 5). Debit and multi-use cards facilitate commerce in point of sale transactions by

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providing a means to transfer value to a merchant in exchange for goods and services(col 1 line 8 et seq). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a debit card as taught by Dorf on the method of Lamm to facilitate point of sale transactions.Lamm does not disclose registration of individuals whose e-mail addresses do not exist in the database. Payne discloses a computer implemented method for providing a computer network money request service including identification of individuals by network addresses(Fig 2A-2I)(col 5 line 26 et seq) and sending a registration message to unregistered individuals to register and authoprize payment(col 5 line 57)(col 6 line 9) and web page link(col 6 line 15 et seq) to register and complete payment. Providing for new account registration facilitates money request service and payment transactions by registering new individuals during payment processing(col 6 line 15 et seq).Also it would have been obvious to one skilled in the art at the time of the invention to combine Lamm in view of Jalili and further in view of Kausik to teach the above. The motivation to combine is to teach an on-line on demand delivery system of authentication credentials to roaming users as enuciated by Kausik(col 2 lines 10-12). It also would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lamm in view of Dorf in view of Jalili in view of Kausik and further in view of Payne to provide for new account registration as taught by Payne on the method of Lamm to permit payors and payees to open new accounts.

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Response to Arguments

8. Applicant's arguments filed 1/13/03 have been fully considered but they are not persuasive. Applicant's arguments are substantially answered by the citations above in the references indicated.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

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The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA


February 10, 2003



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	09/613,615
Filing Date	7/11/2000
First Named Inventor	NEOFYTIDES, et al
Art Unit	
Examiner Name	G. Akers
Attorney Docket Number	10722-32691

U.S. PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
G		US- 5,220,501	06-15-1993	Lawlor, et. al.	
		US- 5,555,496	09-10-1996	Tackbary, et. al.	
		US- 5,629,982	05-13-1997	Micali, Silvio	
		US- 5,699,528	12-16-1997	Hogan	
		US- 5,732,400	03-24-1998	Mandler, et. al.	
		US- 5,757,917	05-26-1998	Rose, et. al.	
		US- 5,826,241	10-20-1998	Stein, et. al.	
		US- 5,960,412	09-28-1999	Tackbary, et. al.	
		US- 5,974,146	10-26-1999	Randle, et. al.	
		US- 6,029,150	02-22-2000	Kravitz	
		US- 6,032,133	02-29-2000	Hilt, et. al.	
		US- 6,070,150	05-30-2000	Remington, et. al.	
		US- 6,070,798	06-06-2000	Nethery	
		US- 6,081,790	06-27-2000	Rosen	
		US- 6,098,053	08-01-2000	Slater	
		US- 6,119,106	09-12-2000	Merskv, et. al.	
		US- 6,122,625	09-19-2000	Rosen	
		US- 6,167,386	12-26-2000	Brown	
		US- 6,175,823	01-16-2001	Van Dusen	
		US- 6,202,054	03-13-2001	Lawlor, et. al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
G		WO 98/49644	11-05-1998	Ariba Technologies		
		EP 0 745 961 A3	07-15-1998	AT&T Corp.		
		EP 0 745 961 A2	04-12-1996	AT&T IMP Corp.		
		WO 99/22291	05-06-1999	GE Capital		
		EP 0949 596 A2	10-13-1999	Golvin, et. al.		
		WO 00/22559 A1	04-20-2000	Slater		
		WO 00/67177 A2	11-09-2000	Levchin, et. al.		
		WO 00/54122 A2	09-14-2000	Taggart, et. al.		
		EP 1 077 436 A2	02-21-2001	Pinell		
		WO 00-79452 A2	12-28-2000	Hutchison, et. al.		

Examiner
Signature

Date
Considered

3/7/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 3

Complete if own

Application Number 09/613,615
Filing Date 7/11/2000
First Named Inventor NEOFYTIDES, et. al.
Group Art Unit _____
Examiner Name G. Akers
Attorney Docket Number 10722-32691

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
<u>GA</u>	1	dotBANK; "The Way to Send and Receive Money on the Internet;" retrieved from the Internet on 02/07/2000 at http://www.dotbank.com/ ; Pages 1-7.	
<u>GA</u>	2	AmeriNet, Inc.; "The Best Idea in Payment Systems Since the Credit Card;" retrieved from the Internet on 02/07/2000 at http://www.devit-it.com/ ; Pages 1-8.	
<u>GA</u>	3	TransPoint; "The Way to Pay Online the Service;" retrieved from the Internet on 02/10/2000 at http://www.transpoint.com/service_questions.asp ; Pages 1-12.	
<u>GA</u>	4	Intell-A-Check! "The Way to Get Paid;" retrieved from the Internet on 02/07/2000 at http://www.ichack.com/ ; Pages 1-7.	
<u>GA</u>	5	TeleCheck; "Making Checks Our Responsibility;" retrieved from the Internet on 02/07/2000 at http://www.telecheck.com/home/home.html ; Pages 1-8.	

Examiner
Signature

Date

Considered

2/7/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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GROUP 3600

**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.